IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA COLUMBIA DIVISION

Mary Kay Fry,)	
)	C/A No.: 3:06-1274-MBS-BM
Plaintiff,)	
)	
vs.)	
)	ORDER
American Italian Pasta Company; Elaine)	
Carroll, and Jeff Crisp,)	
)	
Defendants.)	
)	

Plaintiff Mary Kay Fry, proceeding pro se, brings this action pursuant to 42 U.S.C. § 2000e *et seq*; 42 U.S.C. § 1981; and S.C. Code Ann. § 15-7-10 *et seq*. Plaintiff alleges three causes of action: (1) hostile work environment (first cause of action); (2) violation of the right to contract (second cause of action); and disparate treatment on the basis of her race and gender (third cause of action).

This matter is before the court on motion for partial dismissal filed by Defendants Elaine Carroll and Jeff Crisp on May 23, 2006. These Defendants seek dismissal as party Defendants under Plaintiff's first and third causes of action on the grounds that individual employees are not liable for Title VII violations. See Lissau v. Southern Food Servs., Inc., 159 F.3d 177, 178-81 (4th Cir. 1988). By order filed May 24, 2006, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the applicable procedures and the possible consequences if she failed to respond adequately. Plaintiff filed a response to Defendants' motion on June 28, 2006.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. On September 12, 2006, the Magistrate Judge filed a Report and Recommendation in which he recommended that the motion

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for partial dismissal be granted. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation and incorporates it herein by reference. Defendants Carroll and Crisp's motion for partial dismissal (Entry 8), dismissing them as party Defendants under Plaintiff's first and third causes of action, is **granted.** The case is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

October 4, 2006

Columbia, South Carolina